

EXHIBIT E

TOWN OF MILAN
PLANNING BOARD
Dutchess County New York

Wilcox Memorial Town Hall
20 Wilcox Circle
Milan, NY 12571

Tel: (845) 758-5133
(845) 876-3463
Fax: (845) 876-1449

June 30, 2005

Kenneth McCulloch

Ballard, Rosenberg, Golper & Savitt, LLP

516 Fifth Avenue, 12th Floor

New York, NY 10036

Fax: 1-212-398-9512

REF: WOODLAND HILLS SUBDIVISION

Dear Mr. McCulloch:

You, along with Mitch Berkey from Povall Engineering, attended the Planning Board meeting on June 29, 2005. The following motions were made at that meeting.

Chairman Kingman motioned that the Planning Board accept the Woodland Hills Final Plat Report draft as amended as the Final Plat Report. Mr. Goss seconded. All aye. Motion carried 4-0.

Chairman Kingman motioned that the Planning Board grant conditional final approval to the Woodland Hills Six Lot Major Subdivision on property located on Willowbrook Road, tax grid no. 6571-00-658185-00 with the condition that the requirements are all fulfilled as specified in the Final Plat Report to include:

- Section 177-26 & 177-48D(7) - Engineer's certification of site sufficiency for on-site water supply and SDS
- Section 177-48D(3) - Letter of credit or bond acceptable to the Town Attorney
- Section 177-48D(4) - Agreements as Listed
 - Common Drive maintenance agreements (2)
 - Utilities easements (2)
 - Covenants, conditions and restrictions
 - Conservation easement
 - Open Development Area
- Section 177-48D(5) - Utilities letters (electric and telephone)
- Section 177-48D(9) - Payment of all fees, easement donations, & payments.
- Section 177-29 - Performance guarantees
- Section 177-30 - General Liability insurance
- Planning Board Chairman is authorized to sign the final plat up all conditions and requirements.

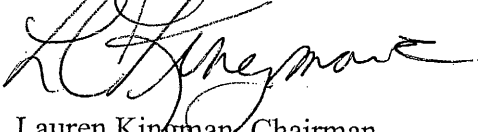
Seconded by Ms. Margiotta. All aye. Motion carried 4-0.

Conditional approval is valid for 180 days, and the signed mylar must be filed with the Dutchess County Clerk's office within 60 days of the date of signing.

Chairman Kingman motioned that the Planning Board grant approval for Kenneth McCulloch to begin erosion control and rough grading of the common driveways upon filing of the engineering escrow in the amount of \$3,000 with the Town Clerk. Mr. Goss seconded. All aye. Motion carried 4-0.

Mr. McCulloch submitted a check for \$3,147.50 to bring the escrow account current and a check for \$3,000 to establish the engineering escrow account. Payment for the final subdivision fees in the amount of \$1,000 and the recreation fees in the amount of \$6,000 are due prior to the Chairman signing the mylar.

Very truly yours,



Lauren Kingman, Chairman
Planning Board

cc: William Gallagher, Assessor
Catherine Gill, Town Clerk
James Modafferi, Building Inspector

EXHIBIT F

TOWN OF MILAN PLANNING BOARD MEETING MINUTES - **FINAL** - 06-29-05

1. Original boundary line needs to be identified as such on the map
2. Before and after chart or note needs to be added to the map for each lot providing the original size of the lot, the amount of land transferred, and the final size of each lot.

Seconded by Ms. Margiotta. All aye. Motion carried 4-0. All fees have been paid.

Once the mylar is updated, the applicant needs to provide the Planning Board Chairman with the mylar plus four copies for signature. Conditional approval expires in 180 days and the signed mylar expires in 60 days from the date of signature if it is not filed in the Dutchess County Clerk's office within that time.

ADMINISTRATIVE ITEMS:

- Approval of Minutes: Chairman Kingman motioned to approve the minutes of June 1, 2005 as amended. Ms. Hoffmann seconded. All aye. Motion carried.

APPLICATIONS:

1. Kenneth McCulloch, applicant, and Mitch Berkey from Povall Engineering were present for the Woodland Hills subdivision application on property located on Willowbrook Road. As a result of the last meeting, there were a number of minor revisions that needed to be made. A new package with revised drawings and a response letter has been submitted. A letter from the town engineer dated 6/27/05 has been submitted approving the plans with all of his outstanding issues resolved. Chairman Kingman went through final plat report. The applicant has indicated the monuments, but they need to be verified by the town engineer. Road names have been approved. The table has been amended to include total lot characteristics. The storm water plan for the pond has been submitted and approved by town engineer. As far as the ODA, Mr. McCulloch has provided a letter for the Town Board, the Planning Board has recommended approval, and the Fire Department has reviewed the application and approved it. The ODA has been reviewed by the Planning Board attorney and the Town Board attorney and should receive Town Board approval at the July meeting. Povall Engineering has responded to the letter from Greenplan and added a note to the map requiring the conservation easement be flagged and indicating on the map the area of the lady slipper. They also added the non regulated wetland and provided a planting plan for the storm water management area.

Chairman Kingman motioned that the Planning Board accept the Woodland Hills Final Plat Report draft as amended as the Final Plat Report. Mr. Goss seconded. All aye. Motion carried 4-0.

TOWN OF MILAN PLANNING BOARD MEETING MINUTES - FINAL - 06-29-05

Chairman Kingman motioned that the Planning Board grant conditional final approval to the Woodland Hills Six Lot Major Subdivision on property located on Willowbrook Road, tax grid no. 6571-00-658185-00 with the condition that the requirements are all fulfilled as specified in the Final Plat Report to include:

1. Section 177-26 & 177-48D(7) - Engineer's certification of site sufficiency for on-site water supply and SDS
2. Section 177-48D(3) - Letter of credit or bond acceptable to the Town Attorney
3. Section 177-48D(4) - Agreements as Listed
 - Common Drive maintenance agreements (2)
 - Utilities easements (2)
 - Covenants, conditions and restrictions
 - Conservation easement
 - Open Development Area
4. Section 177-48D(5) - Utilities letters (electric and telephone)
5. Section 177-48D(9) - Payment of all fees, easement donations, and other required payments.
6. Section 177-29 - Performance guarantees
7. Section 177-30 - General Liability insurance
8. Planning Board Chairman is authorized to sign the final plat upon compliance with all conditions and requirements.

Seconded by Ms. Margiotta. All aye. Motion carried 4-0.

Conditional approval is valid for 180 days, and the signed mylar must be filed with the Dutchess County Clerk's office within 60 days of the date of signing.

Chairman Kingman motioned that the Planning Board grant approval for Kenneth McCulloch to begin erosion control and rough grading of the common driveways upon filing of the engineering escrow in the amount of \$3,000 with the Town Clerk. Mr. Goss seconded. All aye. Motion carried 4-0.

Mr. McCulloch submitted a check for \$3,147.50 to bring the escrow account current and a check for \$3,000 to establish the engineering escrow account. Payment for the final subdivision fees in the amount of \$1,000 and the recreation fees in the amount of \$6,000 are due prior to the Chairman signing the mylar.

2. Catherine Napolitano, applicant, and Brandee Nelson from Crawford and Associates were present for the Stonewood Subdivision on property located on Spring Lake Road. There is no input as yet from the town engineer and town planner as they did not receive their submissions until last week. They will not have any landscaping on the plan. Utilities are underground and cable is included. They have preliminary approval and are waiting for a letter back from the Board of Health on the toxins. Ms. Nelson said the Board

KENNETH J. MCCULLOCH
Attorney-At-Law
516 Fifth Avenue, 12th Floor
New York, New York 10036
Tel. 212-398-9508
Fax. 212-398-9512

March 4, 2005
By Fax to 845-876-1449

Town Of Milan
Town Board
Wilcox Memorial Town Hall
20 Wilcox Circle
Milan, New York 12571
Attn: Mr. Van Talmage, Town Supervisor

Re: Woodland Hills Subdivision, GRID NO. 6571-00-658185 0000
Willowbrook Road, Town of Milan

Dear Supervisor Talmage and Town Board Members,

The purpose of this letter is to request placement on the next agenda of the Town Board regarding designation of an Open Development Area (ODA) for the Woodland Hills Major Subdivision. This is a six (6) lot subdivision located on Willowbrook Road and is being developed by Carmen Mc Culloch. The total acreage of the parcel is approximately 35 acres with approximately 17 acres (54%) being placed in conservation easement. The project has received sketch plan approval, and a Negative Declaration, and is awaiting preliminary approval. There will be no Town Roads, and homes will be accessed through two common driveways, each of which will have three building sites.

I have been representing the Owner during the course of this project, and will be available to discuss this project, and this request, with the Town Board, when this matter is to be addressed, or at the Board's convenience, as the Board might desire.

Thank you for consideration of these items. If you desire any additional information please contact me at the address and numbers above, or by my cellphone which is 917-748-0771.

Very truly yours,

Kenneth Mc Culloch

TOWN OF MILAN OFFERING OF CONSERVATION EASEMENT

Name of Subdivision Woodland Hills

Applicant

Name: Kenneth McCulloch

Owner

Name: Carmen McCullochAddress: Office 516 Fifth Ave, 12th Fl, NY, NY, 10036Address: 2 Tudor City Place, N.Y. N.Y. 10017Telephone: 212 398 9588Telephone: 212 697-3231Location of Site: On Willowbrook Rd, near Route 199 + Taconic State Pkway

Tax Map ID: Section:

Block:

ID: GRID # 6571-00-658185 0000Zoning District: 5 acre Res Total Number of Lots after Subdivision: 6Size of Parcel: 35 acresTotal Size of Conservation Easement: 17+ acres (approx) 54% of total property

Description of Land Offered for Conservation Easement:

Land offered for conservation easement is part wooded, part open fields, some flat, some hilly

This Conservation Easement is offered under the terms of Milan Town Code § 200-39, Open space and conservation easements, and NYS Environmental Conservation Law Article 49 Title 3. This offering is intended to enable the public hearing required by Town Code § 200-39. ~~This offering is not binding on the owner/applicant.~~ Approval does not bind the Town Board to accept the Conservation Easement. The Conservation Easement is only established by a duly executed and approved Conservation Easement Agreement.

Kenneth McCulloch

Applicant signature

3/4/05

Date

Carmen McCulloch

Owner signature

3/4/05

Date

by Kenneth McCulloch
her attorney in fact

Planning Board recommendation:

Planning Board Chair:

Date:

KENNETH J. MCCULLOCH
Attorney-At-Law
516 Fifth Avenue, 12th Floor
New York, New York 10036
Tel. 212-398-9508
Fax. 212-398-9512

June 2, 2005
By Fax to 845-876-1449 and
Fedex

Mr. Van Talmage, Supervisor
Town of Milan
Wilcox Memorial Town Hall
Route 199, P.O.Box 42
Red Hook, New York 12571

Re: Mountain View Estates

Dear Supervisor Talmage and Town Board Members,

The purpose of this correspondence is to request placement on the next available agenda of the Town Board regarding designation of an Open Space Development Area (ODA) for the Mountain View Estates Subdivision, and to request approval of this request for designation of an ODA, as set forth hereafter. This subdivision is a six (6) lot major subdivision located on Willowbrook Road and is being proposed by the owner, Carmen Mc Culloch, for whom I am the attorney, and acting under a Power of Attorney. The total area of the subdivision is approximately 35.22 acres (1,534,008 square feet) and approximately 773,406 square feet, or 50.4%, are being placed in conservation easement. Assess to the proposed six lots will be from two common driveways, each of which will service three lot. This project has received preliminary approval, it was on the agenda at the meeting of the Milan Planning Board last evening, June 1, 2005, and it will be on the agenda of the Milan Planning Board on the next meeting of the Milan Planning Board, on June 29, 2005, for Final Approval with conditions. By this letter and other actions that we are taking, we are trying to limit or eliminate insofar as possible the conditions for the Final Approval. We believe that the action requested is consistent with the desires of the Milan Planning Board, and the Milan Planning Board has advised us of the need to make this request and have it granted.

We believe that a similar request had previously been made, but the records of the Milan Planning Board do not reflect that the permission that we are requesting has been granted. We did not attend a meeting of the Town Board when it might have had this matter on its agenda, because we did not know that such attendance was required in view of the proceedings that have already been held before the Milan Planning Board relating to this

matter. If it is necessary or appropriate for me to attend such a meeting of the Town Board to address this matter, please advise me that this is so, and I will attend.

The undersigned will be in attendance at the meeting of the Town Board at which this matter is to be addressed, if you so desire, and will provide any further information that you might desire. Thank you for your consideration of this matter.

Very truly yours,

Kenneth Mc Culloch

cc: Lauren Kingman, Chairman, Milan Planning Board
Mitch Berkey
Michael Dalbo

TOWN OF MILAN

Dutchess County, New York

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RESOLUTION TO APPROVE APPLICATION FOR THE ESTABLISHMENT OF AN OPEN DEVELOPMENT AREA ("ODA") FOR THE WOODLAND HILLS

SUBDIVISION UNDER N.Y. TOWN LAW §280-a

MILAN TOWN BOARD

July 11, 2005

WHEREAS, an application for an 6-lot major subdivision has been presented to the Town of Milan, New York (the "Town") Planning Board by Kenneth McCulloch, attorney for Carmen McCulloch (the "Applicant"), entitled the "Woodland Hills Subdivision" (the "Subdivision"); and

WHEREAS, each of the lots, as shown on the proposed subdivision plat, has a property boundary which abuts Willowbrook Road, a Town road; and

WHEREAS, four of the lots, Lots # 2, 3, 5, and 6, as shown on the proposed subdivision plat, have property boundaries which do abut Willowbrook Road, a Town road, but cannot provide vehicle access directly from frontage on Willowbrook Road due to wetlands and steep slopes; and

WHEREAS, the Applicant is proposing that access to these four lots be obtained by easement as a result of the aforementioned condition; and

WHEREAS, the Applicant has made an application to the Town Board to establish an Open Development Area (hereinafter "ODA") in accordance with N.Y. Town Law §280-a(4), which would allow the issuance of permits for the construction of structures on lots that gain access by easement over a common driveway as shown on Woodland Hills Subdivision Layout and Easement Plan map prepared by Povall Engineering dated May 16, 2005; and

WHEREAS, the Planning Board has presented the Town Board with a positive recommendation by passing a resolution at its meeting held June 1, 2005 wherein it made a recommendation to the Town Board that it approve the application requesting an ODA designation for the Woodland Hills 6-lot subdivision located on Willowbrook Road; and

WHEREAS, the Town Board has given careful consideration to the application made by Kenneth McCulloch requesting the establishment of an ODA in accordance with N.Y. Town Law §280-a(4); and

WHEREAS, the Town Board has also given careful consideration to the Goals and Policies established by the Town's Comprehensive Plan and Subdivision Regulations in regard to the requirement that certain improvements are needed to promote the orderly development of the Town; and

EXHIBIT G

WHEREAS, the requirement that access be provided from a road or street reflects a legislative policy designed to provide adequate access for fire and emergency service providers, and to promote the health and safety and general welfare of the residents; and

WHEREAS, the Applicant has demonstrated through the design of certain improvements that were reviewed by the Planning Board and which include provisions for fire protection and emergency vehicle access which were reviewed by the Milan Volunteer Fire Department ("Milan Fire-Rescue"), that the lots can be reasonably subdivided using an ODA design, to produce building sites of such character as will permit their development for homes without danger or peril from fire, flood or other menace; and

WHEREAS, via memo review dated 5/25/2005 and signed by Fire Chief Jeff Galm on 6/7/2005 indicated that his Department has reviewed this project and the proposed means of ingress and egress to lots 1, 2, 3, 4, 5, and 6, as presented on Woodland Hills Subdivision Grading, Utility and Erosion Control Plan map prepared by Povall Engineering dated April 19, 2005;

NOW, THEREFORE BE IT RESOLVED THAT THE TOWN BOARD finds that:

The subject parcel is an 35.22-acre parcel with one existing dwelling, identified as tax parcel identification number 133600-6571-00-658185-00, located along Willowbrook Road in an R5A zoning district; and

BE IT FURTHER RESOLVED THAT there are substantial areas on the subject parcel that are environmentally sensitive including significant wetlands, woodland areas, and steep slopes; and

BE IT FURTHER RESOLVED THAT the combination of site topography, lot configuration and environmentally sensitive areas require special consideration for vehicle access in the design of a subdivision for the parcel; and

BE IT FURTHER RESOLVED THAT two common driveways, each approximately 1100 feet long, off Willowbrook Road will provide access to five new lots (Lots 2, 3, 4, 5, and 6), and the existing dwelling (Lot 1); and

BE IT FURTHER RESOLVED THAT development of the Subdivision site as an ODA design is one that will minimize the disturbances to environmentally sensitive areas and the destruction of the natural character of the land; and

BE IT FURTHER RESOLVED THAT the Town Board, for the reasons heretofore mentioned, approves the request to create an ODA for the Subdivision also identified as tax map parcel identification number 133600-6571-00-658185-00; and

BE IT FURTHER RESOLVED THAT this ODA approval is restricted to Lots 2, 3, 5, and 6 as presented on a Woodland Hills Subdivision Layout and Easement Plan map prepared by Povall Engineering dated May 16, 2005 and as proposed to the Planning Board hereinbefore referred to as the "Woodland Hills Subdivision"; and

BE IT FURTHER RESOLVED THAT this ODA approval restricts the use of the easement to the six lots as proposed to the Planning Board hereinbefore referred to as the "Woodland Hills Subdivision"; and

BE IT FURTHER RESOLVED THAT this ODA approval is conditioned upon final inspection and approval by Milan Town Engineer before Final Plat Approval; and

BE IT FURTHER RESOLVED THAT this ODA approval is conditioned upon the common driveways off Willowbrook Road providing access to the six new lots to have a surface width of at least sixteen (16) feet wide.

BE IT FURTHER RESOLVED THAT this ODA approval for lots 2, 3, 4, and 5, is conditioned upon the applicant's final plat map submission and Planning Board approval of said plat being in substantial conformity to that which was presented on its Woodland Hills Subdivision Layout and Easement Plan map prepared by Povall Engineering dated May 16, 2005, said map having been directly relied upon by this Town Board in reaching a resolution granting the issuance of an ODA to lots 2, 3, 4, and 5.

BE IT FURTHER RESOLVED THAT pursuant to N.Y. Town Law §280-a(4), this approval is subject to such conditions and limitations as may be prescribed by general or special rule of the Planning Board concurrent with preliminary or final subdivision approval.

Motion made by Councilperson Lo Brutto

Seconded by Councilperson Clark

Roll call vote:

Supervisor John V. Talmage - Absent

Town Board Member Russell Balletto - Yes

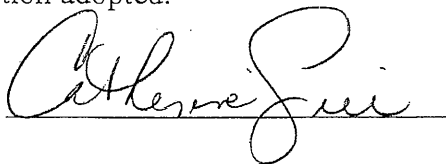
Town Board Member George Campbell - Yes

Town Board Member Pauline Combe-Clark - Yes

Town Board Member Al Lobrutto - Yes

Resolution adopted.

Date: July 11, 2005



Catherine Gill
Town Clerk, Town of Milan